



June 17, 2025

VIA ECF

Honorable Philip M. Halpern
United States District Judge
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Application granted. The time to file a pre-motion letter in anticipation of summary judgment motion practice is extended to July 30, 2025. Accordingly the case management conference scheduled for July 17, 2025 is adjourned *sine die*.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Philip M. Halpern", written over a horizontal line.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
June 18, 2025

Re: **Rojas Ortega v. Healthy Choice Markets et al.**
Case No. 24-cv-5682 (PMH)

Dear Judge Halpern:

We represent two of the Named Defendants in this action, Healthy Choice Markets IV, LLC and Jeffrey Holman¹ (collectively, "Healthy Choice Defendants") and respectfully submit this letter application – with the consent of all parties – to address two separate issues.

1. By Electronic Order issued on February 20, 2025 (Docket No. 45), Your Honor scheduled a case management conference for July 17, 2025 at 12:00pm. We were hoping to clarify whether the case management conference is intended to be conducted in person or by phone, since prior conferences in this case have been conducted by phone. If Your Honor intended the July 17th conference to be in person, we respectfully request a brief adjournment of that conference – on consent of the parties – since I will be out of the office on July 17th, and counsel for co-Defendants is also unavailable that day. If Your Honor intended that conference to be by phone, co-Defendants' counsel and I would both still be able to participate by phone on that day. Otherwise, if Your Honor intended the July 17th conference to be in person, we respectfully request a brief adjournment and all parties have conferred and are available on the following alternate dates for an adjourned in-person case management conference, subject to the Court's schedule:

¹ Yesterday (June 16th), we submitted a stipulation voluntarily dismissing all claims asserted solely as against individual Defendant Jeffrey Holman, and requested that the Court "so order" the partial dismissal.

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- a. Friday, July 18th – Any time between 9:00am and 3:00pm
 - b. Monday, July 21st – Any time
 - c. Tuesday, July 22nd – Any time
 - d. Wednesday, July 23rd – Any time
 - e. Friday, July 25th – Any time between 9:00am and 3:00pm
 - f. Monday, July 28th – Any time between 9:00am and 3:00pm
2. In light of the fact that discovery was deemed completed on May 30, 2025,² we understand that the deadline for the Healthy Choice Defendants to file a summary judgment motion is guided by Rule 56(b) of the Federal Rules of Civil Procedure and, therefore, that the current deadline would be June 30, 2025, since no deadline has otherwise been set by the Court. We respectfully request a 30-day extension of the dispositive motion deadline from June 30th to July 30, 2025 so that the Healthy Choice Defendants can sufficiently prepare the appropriate papers based on discovery conducted in this action, which would include serving a Rule 56.1 Statement on Plaintiff pursuant to Rule 4[E][ii] of Your Honor's Individual Practices, and then requesting a pre-motion conference for the Healthy Choice Defendants' anticipated summary judgment motion pursuant to Rules 2[C] and 4[E][viii] of Your Honor's Individual Practices. This is the first request by the Healthy Choice Defendants for such an adjournment, and all parties have consented to this request.

Conclusion

For the above reasons, the Healthy Choice Defendants respectfully request that the Court: (1) clarify whether the July 17th case management conference will be conducted in person or by phone, and, if in person, briefly adjourn such case management conference to a date/time suggested above that works for the Court's schedule; and (2) adjourn the deadline for the Healthy Choice Defendants to file a request for pre-motion conference for 30 days from June 30, 2025 to July 30, 2025. Thank you very much for your consideration and attention to this matter.

Respectfully yours,

COZEN O'CONNOR



BY: MICHAEL C. SCHMIDT

CC: ALL COUNSEL OF RECORD (VIA ECF)

² By Electronic Order issued yesterday, June 16, 2025 (Docket No. 55), the Court denied Plaintiff's application to extend the discovery completion date to July 31, 2025.